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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/672,648
Filing Date: September 26, 2003
Appellant(s): KARAOGUZ ET AL.

Wayne H. Bradley
Reg. No. 39,916
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 21, 2011 appealing from the Office action mailed March 25, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-14 and 36-55.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6774926	Ellis et al.	8-2004
6665384	Daum et al.	12-2003
2005/0028208	Ellis et al.	2-2005

Examiner's Official Notice

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10, 12-14, 36-45, 47-49, 51, and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (2005/0028208) (hereinafter "Ellis '208") in view of Ellis (6774926) (hereinafter "Ellis '926") and in further view of common knowledge in the art.

Regarding claims 1 and 36, Ellis '208 teaches a method to indirectly control at least one media peripheral via a communication network, the method comprising:

creating a user-defined schedule of media using the television at the first geographical location (¶99-100); and

pushing the media to the at least one media peripheral at the second geographical location according the user-defined schedule of media (¶99-100).

Ellis '208 does not explicitly indicate automatically determining authorization of the performance of the selected operation;

performing the selected operation on the at least one media peripheral if the authorization is successful; not performing the selected operation on the at least one media peripheral if the authorization is not successful; or defining a schedule of media at a first location using the TV and pushing the media from that location, constructing, at the first location, one or more media channels from user selected and scheduled media content; and communicating in a peer-to-peer manner the one or more media channels from the first location to the second location via a closed and secure communication.

Ellis '926 teaches a personal television channel system that teaches creating a schedule of media (Col. 3, lines 19 - 29) using among other things, a media peripheral (Col. 1, lines 47 – 52) where that playlist and all media can be available to be pushed to many locations and devices including being transmitted in a peer-to-peer system for receipt at a geographically remote media peripheral (Col. 7, lines 27 - 37; 49 – 57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that one can use Ellis '926 teaching of video production and distribution would allow someone to improve Ellis '208' system to organize and create video or content playlists and have them distributed to any other system component in the network. One would be motivated to do so, to allow the user to create and view videos in a highly available and customized way anywhere in a home network.

The examiner takes further "**official notice**" that communication streams sent over the Internet are able to be sent over a secure connection. It would have been obvious to one of ordinary skill in the art the time the invention was made to use the well known teaching of secure connections to improve Ellis '208's system. One would do so to protect the system against malicious or other harmful commands and users from affecting the use and enjoyment of the system over a public communication. *See* MPEP §2144.03.

Regarding claims 54 and 55, Elli's '208 teaches the method of claims 1 and 36, further comprising:

identifying by a first system comprising a television, at a first location, the at least one media peripheral communicatively coupled to a second system, at a second location, wherein the first and second locations are separate and distinct from one another (¶71, 74, the first system is the remote program access device and the second system is the user television equipment);

automatically establishing a communication link between the first system comprising the television (¶92, where a CRT monitor can be considered a television; Ellis '208 further later details that a user television/set-top-box can be used as the device to remotely control a program guide, see ¶204; 217-218); and the at least one media peripheral (¶71; 86; 103-104);

selecting, using the television at the first location, an operation of the at least one media peripheral (¶107);

requesting performance of the selected operation on the at least one media peripheral using the television at the first geographical location (¶110);

Ellis '208 does not explicitly indicate automatically determining authorization of the performance of the selected operation;

performing the selected operation on the at least one media peripheral if the authorization is successful; not performing the selected operation on the at least one media peripheral if the authorization is not successful.

The examiner takes "**official notice**" that when remotely connecting to user equipment it would be obvious to authenticate or authorize a user request before perform that operation at the connected to system.

It would have been obvious to one of ordinary skill in the art the time the invention was made to use the well known teaching of authorizing commands from clients to ensure that no malicious users can access and potentially harm the peripheral devices in Ellis '208.

Regarding claims 3 and 38, Ellis '208 teaches the method of claims 1 and 36; wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software (¶100, the VCR).

Regarding claims 4 and 39, Ellis '208 teaches the method of claims 54 and 55 wherein the communication link is established via a wired or a wireless connection (¶76).

Regarding claims 5 and 40, Ellis '208 teaches the method of claims 54 and 55; wherein the operation comprises one of: powering said media peripheral on or off; scanning said media peripheral in angle about at least one axis of rotation; transferring stored media from the media peripheral to the first system; transferring stored media from the first system to the media peripheral; transferring software from the first system to the media peripheral; transferring status information from the media peripheral to the first system; initiating a test of the media peripheral; initiating a trick mode of the media peripheral; determining whether the media peripheral is within communication range of the second system; putting the media peripheral into a sleep state; and changing a parameter of the media peripheral (¶101).

Regarding claims 6 and 41, Ellis '208 teaches the method of claims 54 and 55, wherein at least one of the first system and the second system comprises a set-top-box based media processing system (¶82).

Regarding claims 7 and 42, Ellis '208 teaches the method of claims 54 and 55, wherein at least one of the first system and the second system comprises a personal computer based media processing system (¶82).

Regarding claims 8 and 43, Ellis '208 teaches the method of claims 54 and 55; wherein at least one of the first system and the second system comprises a television based media processing system (¶82).

Regarding claims 9 and 44, Ellis '208 teaches the method of claims 54 and 55 wherein the first system comprises a server of a media provider (Fig. 2b, wherein the

remote access device communicate to the user television equipment through the distribution facility).

Regarding claims 10 and 45, Ellis '208 teaches the method of claims 54 and 55 wherein the first system comprises a server of a service provider (Fig. 6a, wherein the remote access device access the user equipment through the internet service system).

Regarding claims 12 and 47, Ellis '208 teaches the method of claims 54 and 55 wherein the establishing the communication link is initiated by the first system (¶100).

Regarding claims 13 and 48, Ellis '208 teaches the method of claims 54 and 55, wherein the establishing the communication link is initiated via a telephone call (¶93).

Regarding claims 14 and 49, Ellis '208 teaches the method of claims 54 and 55 wherein the establishing the communication link is initiated via a web site (¶101).

Regarding claims 50 and 52, Ellis '208 teaches the method of claims 1 and 36, wherein the first geographic location and second geographical location are located within a first and a second home (¶12).

Regarding claims 2 and 37, Ellis '208 teaches the method of claims 1 and 36 and media peripherals (¶107).

Ellis '208 does not explicitly indicate wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Ellis '926 teaches a media peripheral that includes one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant (Col. 1, lines 47 – 52).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the many other devices controlled in Ellis '926 in order to expand the variety of devices that can be remotely controlled in Ellis '208.

Regarding claims 51 and 53, Ellis '208 in combination with Ellis '926 teaches the method of claims 1 and 36 that the user defined schedule of media comprises a plurality of media content scheduled according to date and time (Ellis '926, Fig 14).

Claims 11 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis '208 in view of Ellis '926 and Examiner's "Official Notice", and in further view of Daum (6665384).

Regarding claims 11 and 46, Ellis '208 teaches the method of claims 1 and 36.

Ellis '208 does not explicitly indicate wherein the first system comprises a server of a peripheral manufacturer.

Daum teaches a remote control of appliances that includes the controlling party being the manufacturer (Column 2, lines 25 – 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Daum's teaching of allowing the manufacturer to control the devices in Ellis '208, in order to take advantage of any support and monitoring the manufacturing provides for home items.

(10) Response to Argument

The appellant argues that the combination of Ellis '208 as combined with Ellis '926 and Examiner's official notice fails to teach at least one media peripheral. See Appellant's brief, filed September 21, 2011, p. 7.

The examiner respectfully disagrees:

The appellant's specification defines a media peripheral as elements such as a digital camera, personal computer, multi-media gateway, etc or any other computer device operating with a processor running media capture software. *See* specification, p. 7. The claim requires the at least one media peripheral as an element which received pushed media and is located at a second location. Ellis '208 teaches a system for remotely pushing information from a remote location to television equipment at a home location. *See* ¶99, *see also* Fig 33a. Ellis '208 teaches various types of devices which can operate in the television equipment including set-top-box, television, and television receivers. *See* ¶20-22. Ellis '208 further indicates that the remote device can interact with the set-top-box in a remote location, user television equipment, and other peripherals connected to the user television equipment. *See* ¶107. Thus Ellis '208 teaches that the device at the second location which receives pushed media includes processor based media devices such as receivers and set-top-boxes.

Ellis '926 further teaches pushing media from a user equipment of a first location to user equipment at a second location. *See* Col. 7, ll. 27-37; 49-57. Where the user equipment can include a set-top box (*see* Col. 5, ll. 18 - 21) or a personal computer (*see* Col. 5, ll. 61 - 65). Thus as part of Ellis '926's improvement of pushing channels of customized media to remote geographical locations, Ellis '926 suggests that the user equipment at the second location can include personal computers and set-top-boxs. As result, the combination of Ellis '208 and Ellis '926 would suggest that the media peripheral located at the second location would include elements such as personal computers, television equipment, set-top-boxes, or other peripherals which all fall under the interpretation of the claimed media peripheral.

The appellant argues that the examiner's rejection has failed to consider a closed communication as required by the claim language. See brief, pp. 7-8. More specifically, that the examiner's official notice only addresses that secure connection is known in the art, but does not assert any comment about closed connections. See id.

The examiner respectfully disagrees:

The examiner has asserted that Ellis '208 in view of Ellis '926 does not explicitly indicate that the one or more media channels are communicated via a closed and secure communication. *See* rejection, above. The examiner has taken official notice that it is known in the art "that communication streams sent over the Internet are able to be sent over a secure connection." *See id.*

The specification defines a closed and secure **network** as an environment accessible to pre-defined users and service provides. *See* ¶78. As result, the examiner has interpreted a closed and secure connection as a network connection which is only established and can receive and understand data by the pre-established parties of the connection. Secure connection which are known in the art are usually encrypted or otherwise protected data communication of which only the two or more parties which are privileged to know the security information or keys can understand the communications being received. In that way secure connections are closed connections, since only devices privileged to the secure connection can receive and understand data within the communication. As result, the examiner's official notice has addressed the secure and closed limitations required of the claim language.

The appellant argues that the combination of Ellis '208 in combination with Ellis '926 does not disclose the either required media peripheral of dependent claim 54. See brief, p. 8.

The examiner respectfully disagrees:

As previously addressed above, the combination of Ellis '208 in view of Ellis '926 teaches at least one media peripheral at a second location which receives pushed media. Claim 54 further requires that the device at the first location selects and requests the media peripheral of the second location perform a select operation. Ellis '208 teaches a remote program guide access device implements operations onto

interactive program guide equipment, television equipment, and other peripherals at a second location. *See* ¶107. As result, Ellis teaches that the device at the first system can perform select operations on at least one media peripheral at a second location.

The appellant argues that the combination of Ellis '208, Ellis '926, and examiner's official notice fails to teach the operations laid out in claim 5. See brief, p 9. More specifically, that the prior art only suggests one of the listed operations, but fails to address each of the other listed operations. See id.

The examiner respectfully disagrees:

Claim 5, as claimed only requires the operation described in claims 1 and 54, to be one of the listed operations in claim 5. In order to meet the breadth of the limitation, the prior art must disclose one single operation from the list of operations because that is all the claim requires. Ellis '208 teaches at least an operation performed by the remote location on a media peripheral of the second location includes changing settings or "parameters" of the media peripheral of the second system. See ¶101. Since Ellis '208 teaches one of the operations listed in claim 5, is meets the requirements of the claim language.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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